

MEMORIAL RESOLUTIONS

S.R. 273 - by Adams: Memorial resolution for Belton Bowling Latimer.

S.R. 274 - by Snelson: Memorial resolution for Mrs. Mildred Lomax.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 263 - by Doggett: Extending welcome to Dr. Gerald Mann.

S.R. 270 - by Sherman: Designating March 5-11, 1977, as Communication Week in Texas.

S.R. 271 - by Creighton: Extending welcome to Miss Cinda Leigh Vernon.

S.R. 275 - by Snelson: Extending congratulations to Dr. David B. Connery.

S.R. 276 - by Ogg: Extending congratulations to Strake Jesuit Crusader Basketball Team.

S.R. 277 - by Clower: Extending welcome to Herb, Elaine and David Silverberg.

S.R. 278 - by Clower: Extending welcome to Jim Crowson.

ADJOURNMENT

On motion of Senator Patman the Senate at 12:28 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-EIGHTH DAY
(Wednesday, March 2, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Major Robert Hall, Salvation Army, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.R. 268

S.R. 262

S.C.R. 46 (Ordered not printed)

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

S.J.R. 39

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 684

Senator Mauzy submitted the following report for the Committee on Education:

C.S.S.B. 604 (Read first time)

H.B. 509

H.B. 30

H.C.R. 39

S.C.R. 26

S.C.R. 28

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 722 by Jones of Taylor Economic Development
Relating to the creation, administration, operation, supervision, and regulation of certain nonprofit health service companies; amending Chapter 20, Insurance Code, as amended.

S.B. 745 by Mauzy **Jurisprudence**
 Relating to the prohibition of the requirement that licensed attorneys pay dues as a prerequisite to the right to practice law; amending Section 3, State Bar Act, as amended (Article 320a-1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 748 by Andujar Finance
Relating to exempting from the sales tax certain printed matter relating to agricultural products; amending Section (N), Article 20.04, Title 122A, Taxation—General. Revised Civil Statutes of Texas, 1925, as amended.

| S.B. 749 by Andujar | Education |
|---|-----------|
| Regulating certain educational policies, practices, conduct and acts which impinge upon the legal right and duty of parents in the education, care, control, protection, moral and religious training and reasonable discipline of their children; regulating | |

certain educational policies, practices, conduct and acts which impinge upon the legal right to privacy of school children, their parents and the family-unit; prescribing a civil sanction by creating a cause of action; amending Title 2, Texas Education Code, by adding Chapter 33.

S.B. 750 by Traeger

Education

Relating to the distribution of certain fiscal reports prepared by institutions of higher education; amending Section 51.005(b), Texas Education Code, as amended.

S.B. 751 by Santiesteban

State Affairs

Relating to the payment of a civil penalty instead of suspension of an alcoholic beverage permit or license; adding Section 12(c) to Article I, Texas Liquor Control Act, as amended (Article 666-1, et seq., Vernon's Texas Penal Auxiliary Laws).

S.B. 752 by Santiesteban

State Affairs

Relating to the fee for a Private Club Late Hours Permit; amending Section 15(f), Article I, Texas Liquor Control Act, as added (Article 666-15f, Vernon's Texas Penal Auxiliary Laws).

S.B. 753 by Santiesteban

State Affairs

Relating to guests of temporary members of Private Clubs; amending Paragraph (a), Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Auxiliary Laws).

S.B. 754 by Moore

State Affairs

Relating to an increase in monthly benefits payable by the Employees Retirement System to certain annuitants; creating a new Benefit Increase Reserve Fund for monies appropriated for adjustments of pre-existing annuities made effective on or after June 1, 1977; providing for the accrual of interest on Benefit Increase Reserve Fund assets; authorizing and making an appropriation to fund the increases; conditioning such increases on that appropriation; and declaring an emergency.

S.B. 755 by Moore

State Affairs

Relating to the rate of retirement pay for certain judges, amending Subsection d, Section 2, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes); providing an effective date, and declaring an emergency.

S.B. 756 by Moore

State Affairs

Relating to the Employees Retirement System of Texas; amending Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes) as follows: revising Subsection A, Section 3 establishing classes of membership; revising Subsection B, Section 3 defining creditable service in each class of membership and limiting the use of military service credit; adding Subsection I to Section 4 providing for establishment of service as a National Guard Technician as creditable service for retirement purposes; adding Subsection D to Section 9 providing for assignment of retirement benefits in certain situations; providing an effective date; providing for repeal of conflicting statutes.

S.B. 757 by Brooks

Intergovernmental Relations

Relating to the establishment, operation, and maintenance of a foreign trade zone at the Houston port of entry.

S.B. 758 by Brooks

Education

Relating to the powers and duties of the Board of Regents of Texas Southern University; granting the board authority to sell or dispose of university land; granting the board authority to levy and collect a student center fee; amending Chapter 106, Subchapter C, Texas Education Code, by amending Section 106.35 and adding Section 106.37; and declaring an emergency.

S.B. 759 by McKnight

State Affairs

Relating to abolishing the State Building Commission; transferring the powers and duties of the State Building Commission to the State Board of Control; abolishing the State Building Fund and transferring the State Building Fund to the general revenue fund.

S.B. 760 by McKnight

State Affairs

Relating to the consolidation of pass-through programs in and the reorganization of the Texas Department of Community Affairs; amending Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes).

S.B. 761 by McKnight, Hance

State Affairs

Relating to the rulemaking procedure for certain state agencies; repealing the Administrative Procedure and Texas Register Act (Article 6251-13a, Vernon's Texas Civil Statutes).

S.B. 762 by McKnight

State Affairs

Relating to the protection of drinking water supplies; providing penalties; amending Chapter 178, Acts of the 49th Legislature, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes), by amending Subsection (c) of Section 5, Subsection (c) of Section 11, and Section 24; adding Subsection (b) to Section 23 and adding Section 25.

S.B. 763 by Traeger

Natural Resources

Relating to an election for the approval of a regional or area-wide system or systems under the Texas Water Quality Act; amending Chapter 21, Water Code, as amended, by amending Sections 21.203 and 21.204; by adding a new Section 21.206; and by declaring an emergency.

S.B. 764 by Traeger

Human Resources

Relating to administration and regulation of solid waste by the Texas Department of Health Resources and the Texas Water Quality Board; amending the Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes), by amending Sections 2, 3, 4, 5, and 7; and declaring an emergency.

S.B. 765 by Traeger

Natural Resources

Relating to administration of certain federal grants by the Texas Water Quality Board; providing for the payment by applicants of a grant processing fee to the Texas Water Quality Board; amending Chapter 21, Water Code, as amended, by adding a new Section 21.101; and declaring an emergency.

S.B. 766 by Traeger

Jurisprudence

Relating to product liability; adding Subchapter F to Chapter 17, Business & Commerce Code, as amended.

S.B. 767 by Clower

State Affairs

Relating to the mode of affiliating with a political party, affiliation as a prerequisite for participating in party primaries, party conventions, and other party affairs, restrictions on political activities outside the party with which the voter is affiliated, and related matters; containing penal provisions; amending the Texas Election Code, as amended, as follows: amending Section 179a (Article 13.01a, Vernon's Texas Election Code), and adding Sections 179b and 179c; also amending Sections 15, 32a, 45b, 46a, 51a, 227, 228, and 231 (Articles 3.01, 4.10, 5.13b, 5.14a, 5.19a, 13.50, 13.51, and 13.54, Vernon's Texas Election Code); repealing Sections 189a and 226, Texas Election Code (Articles 13.11a and 13.49, Vernon's Texas Election Code).

S.B. 768 by Clower

Economic Development

Relating to the safety of persons working in proximity to high voltage electric lines; repealing Sections 2 and 5A and amending Sections 1, 3, 4, 5, 6, and 7, Chapter 41, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1436c, Vernon's Texas Civil Statutes).

S.B. 769 by Ogg

Finance

Making an appropriation to the University of Houston for utility services; and declaring an emergency.

S.B. 770 by Longoria, Mauzy

State Affairs

Relating to restoration of the voting rights of persons convicted of a felony; amending Section 33, Texas Election Code, as amended (Article 5.01, Vernon's Texas Election Code).

S.B. 771 by Adams

Education

Relating to allowing distributive education teachers credit for prior work experience for the purpose of determining minimum salary increments and retirement service credits; adding Subsection (f) to Section 16.056 and Section 3.28 to Chapter 3 of the Texas Education Code, as amended.

S.B. 772 by Mauzy

Intergovernmental Relations

Relating to bailiffs for certain courts in Dallas County.

S.B. 773 by Doggett

Human Resources

Relating to the construction of buildings open to the public to make them accessible to certain handicapped persons; adding Subsection (d) to Section 2 and Subdivision (14) to Section 4 of Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678g, Vernon's Texas Civil Statutes); and repealing Subsection (f) of Section 20.

S.B. 774 by Clower

State Affairs

Relating to the eligibility of an organization to be treated as a fraternal organization with regard to the regulation of alcoholic beverage private clubs; amending Paragraph (1), Subdivision (a), Subsection 12, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Auxiliary Laws).

S.B. 775 by Ogg, Braecklein, Jones of Harris

Jurisprudence

Relating to the malpractice liability of various licensed professionals.

S.B. 776 by Sherman

Human Resources

Amending Section 3.08 of Chapter 67, Acts of the 59th Legislature, Regular Session, 1965, as amended (codified as Section 3.08 of Article 5547-203 of Vernon's

Texas Civil Statutes), relating to the number, salaries and other personnel matters of employees of community centers; and providing for approval of salaries of community center employees by the Commissioner of the Texas Department of Mental Health and Mental Retardation, and declaring an emergency.

S.B. 777 by Mauzy

Education

Relating to public school education; revising the Foundation School Program and establishing a system of educational renewal; amending Chapter 16 and Section 21.008(a), Texas Education Code, as amended, and adding Chapter 14.

S.B. 778 by Moore

State Affairs

Amending Section 3(b), Chapter 573, Acts of the 63rd Legislature, 1973, as amended (Article 6228i, Vernon's Texas Civil Statutes), relating to interest charges on the purchase of service not previously established for retirement; providing an effective date; and declaring an emergency.

S.J.R. 48 by McKnight

State Affairs

Proposing a constitutional amendment repealing Article III, Section 51-b, of the Texas Constitution, relating to the State Building Commission and the State Building Fund.

S.C.R. 49 by Hance

Administration

Granting Dr. Gerald King permission to sue the State of Texas.

S.C.R. 50 by Hance

Administration

Granting Fred Haupt permission to sue the State of Texas.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 87, To Committee on Economic Development.

H.B. 223, To Committee on Intergovernmental Relations.

H.B. 230, To Committee on Human Resources.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 55

H.C.R. 23

H.C.R. 45

MESSAGE FROM THE HOUSE

House Chamber

March 2, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 73, Commending the Honorable Elmer Tarbox.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 281

Senator Aikin offered the following resolution:

WHEREAS, Beverly Parker, the gracious wife of Senator Carl Parker, has been named "Woman of the Year" by the Port Arthur Quota Club; and

WHEREAS, This lovely lady is a credit to the City of Port Arthur, Jefferson County, and the entire State of Texas; and

WHEREAS, Mrs. Parker is a popular instructor of law and English at the Lamar University campus in Port Arthur; in addition, she is presently working toward a master of arts degree in government at Lamar University; and

WHEREAS, She is a member of the Jefferson County Democratic Women's Club, of the Port Arthur Panhellenic, a member and past president of the Terrace Garden Club, and a member and past president of the North Port Arthur Lioness Club; and

WHEREAS, A devoted and concerned mother of three, Valerie, Christian, and Carl, Jr., she belongs to the Robert E. Lee Elementary, Thomas Edison Junior High, and Thomas Jefferson High School Parent-Teacher organizations; and

WHEREAS, She has served six years on the Capland Center Board; she served on the Port Arthur Bicentennial bond commission; she is a perennial member and former vice-chairman of the CavOILcade Duchess committee; and

WHEREAS, During her presidency of the Port Arthur Service League, Mrs. Parker was instrumental in securing donations of \$1,500 to the Senior Citizens Services, Incorporated, \$6,000 to the Cornelius Doornbos Heritage Park, and \$1,500 to the Meals on Wheels; and

WHEREAS, She sponsored The University of Texas Bicentennial production of "Yankee Doodle"; and

WHEREAS, She and her husband belong to the Memorial Baptist Church where she has taught Sunday school and is presently director of Acteens, a junior-senior high school girls group; and

WHEREAS, It is appropriate that the Senate of Texas honor Beverly Parker for her outstanding contributions to her community, church, civic, charitable, and other various organizations; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas congratulate Mrs. Beverly Parker for being named "Woman of the Year" by the Port Arthur Quota Club; and, be it further

RESOLVED, That a copy of this Resolution be prepared, under the seal of the Senate, and presented to Mrs. Parker as an expression of respect and admiration from the Texas Senate.

AIKIN
KOTHMANN
MOORE

The resolution was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

SENATE CONCURRENT RESOLUTION 51

Senator Harris offered the following resolution:

S.C.R. 51, Memorializing Congress to grant all approvals necessary to permit implementation of the international flights between Dallas/Fort Worth Regional Airport and Europe contemplated by agreements now pending for approval by Government of the United States.

HARRIS
MEIER

The resolution was read.

On motion of Senator Harris and by unanimous consent, the resolution was considered immediately and was adopted.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE BILL 183 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 183, A bill to be entitled An Act relating to the calculation of time that a mental health patient may be detained without a court order; amending Section 27 of the Texas Mental Health Code, as amended (Article 5547-27, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 183 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 183** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 307 ON SECOND READING

On motion of Senator Andujar and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 307, A bill to be entitled An Act relating to the authority of a justice of the peace and a medical examiner to permit the taking of corneal tissue for transplants; and providing immunity in certain civil suits.

The bill was read second time and was passed to third reading.

HOUSE BILL 307 ON THIRD READING

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 307** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 308 ON SECOND READING

On motion of Senator Andujar and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 308, A bill to be entitled An Act relating to required training for certain persons who may enucleate eyes for anatomical donations and declaring an eye bank as a legal donee of an anatomical gift; amending Sections 2 and 4 of the Texas Anatomical Gift Act (Article 4590-2, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

HOUSE BILL 308 ON THIRD READING

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session at 11:00 o'clock a.m. tomorrow.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

MOTION TO RECESS

Senator Adams moved at 10:59 o'clock a.m. that the Senate take recess until 8:30 o'clock a.m. tomorrow at the conclusion of the Joint Session.

JOINT SESSION

(To hear address by The Honorable T. R. Fehrenbach)

The President announced that the hour for the Joint Session of the two Houses to hear an address by The Honorable T. R. Fehrenbach had arrived.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m. to hear the address of The Honorable T. R. Fehrenbach, pursuant to the provisions of S.C.R. 10.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The President introduced the following guests of the Joint Session seated on the Speaker's Rostrum: Mrs. Diana Hobby, Mrs. T. R. Fehrenbach, Mr. Wentz Fehrenbach, Mr. and Mrs. Robert G. Gunn, Mrs. Elizabeth John, Mr. Bill Broyles, Mr. C. B. Smith and Mr. and Mrs. Mitchell Webb.

The President then introduced Mr. T. R. Fehrenbach who addressed the Joint Session. (Complete text of address printed in House Journal for March 2, 1977.)

RECESS

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 11:27 o'clock a.m. recessed until 8:30 a.m. o'clock tomorrow in accordance with a motion previously adopted by the Senate.

MEMORIAL RESOLUTIONS

S.R. 282 - by Adams: Memorial resolution for William Paulton (Pete) James.

S.R. 284 - by Snelson: Memorial resolution for Robert Simmons Crawford.

S.R. 285 - by Snelson: Memorial resolution for Mrs. Roberta Harley.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 231 - by Doggett: Extending welcome to Major Robert Hall.

S.R. 232 - by Doggett: Extending welcome to Pearce Junior High School Government Classes.

S.R. 279 - by Mauzy: Extending congratulations to Dallas South Oak Cliff Girls Basketball Team.

S.R. 280 - by Clower: Extending congratulations to Evelyn Ilma Brown.

S.R. 283 - by Doggett: Extending welcome to Lockhart High School Senior Government Classes.

S.R. 286 - by Doggett: Extending welcome to Pflugerville High School Business Class.

TWENTY-EIGHTH DAY

(Continued)

(Thursday, March 3, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Jones of Harris.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The Constitutional Rule and regular order were suspended, and the following bills were read second time, passed to engrossment, read third time and passed: Sponsor, vote on suspension of Section 5 of Article III, Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 12 (Brooks) Relating to service requirements for retirement benefits under the Judicial Retirement System of Texas. (31-0)(31-0)(31-0)